

## REMARKS

Upon entry of the claim amendments, claims 1-18 will be pending in the application. In the Office Action of May 27, 2003, claims 1, 4, and 7 were rejected. The Office Action also sets forth that claims 2, 3, 5, 6, 8, and 9 contain allowable subject matter. Applicants respectfully request reconsideration of the rejections detailed in the Office Action based upon the following comments.

### ***CLAIM REJECTIONS – 35 U.S.C. § 102***

Claims 1, 4, and 7 are rejected as being anticipated by Baba (5,894,394).

Applicants request that this rejection be withdrawn because the cited patent fails to inherently or explicitly disclose every feature of the claimed invention.

Claim 1 details a system having a “control central being capable of measuring an electricity conduction time ( $T_c$ ) of each of the switches and to measure a time ( $T_d$ ) passed between the beginning of the conduction of one of the switches and the occurrence of a surge current”.

Claim 4 details “measuring a time ( $T_d$ ) passed between the beginning of conduction of one of the switches and the occurrence of a surge”.

Claim 7 details “the control central being capable of measuring the electricity conduction time ( $T_c$ ) of each of the switches and to measure the time ( $T_d$ ) passed between the beginning of conduction of one of the switches and the occurrence of a surge current”.

The aforementioned claim limitations set forth that that the time measurement will occur from the beginning of the conduction time to the occurrence of a surge current.

As such, the central control will be able to react before there is an excess of current flowing in the circuit, which prevents damage to the motor and the control circuit.

Baba, on the other hand, discloses a system that will monitor the current when an excess current higher than an allowable level flows in the electric wire. In other words, the measurement starts when an excess level is reached, not at the beginning of the conduction. This is done so that the semiconductor of Baba can be switched off if there is a continuous flow of electrical current higher than the threshold value longer than a predetermined time. See column 6, lines 41 and 42 of Baba. Further reference is made to column 9, lines 10-45, and column 16, lines 21-58, of Baba (e.g. "In step SP11 whether or not an electric current higher than the threshold TH1 has flowed continuously for a period is to determined" Column 16 line 28-30)

Hence, Applicants respectfully submit that claims 1, 4, and 7 are not anticipated by Baba.

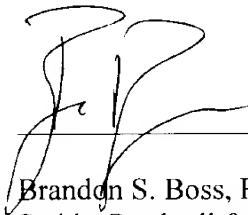
### ***NEW CLAIMS***

Applicants respectfully submit that Baba also fails for reasons along the lines set forth above to inherently or explicitly disclose the features of new claims 10-18.

## CONCLUSION

Applicants await allowance of the application. If any additional fees are due in connection with the filing of this amendment, such as fees under 37 C.F.R. §§ 1.16 or 1.17, please charge the fees to Deposit Account No. 02-4300. Any overpayment can be credited to Deposit Account No. 02-4300.

Respectfully submitted,



Date: September 29, 2003      Signature:

Brandon S. Boss, Reg. No. 46,567  
Smith, Gambrell & Russell, L.L.P.  
1850 M Street, N.W., Suite 800  
Washington, D.C. 20036  
Telephone: (202) 659-2811